

REMARKS

By this amendment, claims 1-52 and 54-56 are pending, in which no claims are withdrawn from consideration, currently amended, or newly presented. Claim 53 was previously canceled.

The Office Action mailed December 9, 2008 rejected claims 1-5, 7, 8, 11, 13-15, 27-31, 33, 34, 37, 39-41, and 54-56 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* (US 6,249,913) in view of *Ekkel et al.* (US 2001/0037360), claims 6 and 32 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* and *Ekkel et al.*, in view of *Humpleman* (US 5,579,308), claims 9 and 35 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* (US 6,249,913) and *Ekkel et al.*, in view of *Schwab* (US 6,353,699), claims 10, 17, 36, and 43 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* and *Ekkel et al.*, in view of *Ahmad* (US 5,565,908), claims 12 and 38 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* and *Ekkel et al.*, in view of *Rosin et al.* (US 6,028,600), claims 16 and 42 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* and *Ekkel et al.*, in view of *McCarten et al.* (US 5,959,596), claims 18-21 and 44-47 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* and *Ekkel et al.*, in view of *Volpe et al.* (US 2001/0032028), claims 22-24 and 48-50 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* and *Ekkel et al.*, in view of *Neel et al.* (US 5,838,314), and claims 25, 26, 51, and 52 as obvious under 35 U.S.C. § 103 based on *Galipeau et al.* and *Ekkel et al.*, in view of *Dedrick* (US 5,724,521).

Applicants respectfully traverse the several obviousness rejections for the reasons explained below.

Independent claim 1 recites “a multimedia **server** provided **within an aircraft**.”
Independent claim 27 recites “providing a multimedia **server within an aircraft** of an airline.”

Independent claim 54 recites “means for providing a multimedia **server within an aircraft** of an airline.” Independent claim 55 recites “**accessing a multimedia server over a communications network within an aircraft.**”

The decision of September 10, 2008 by the Board of Patent Appeals and Interferences recognized that *Galipeau et al.* failed to disclose “selecting, pre-flight, one of the options for purchase of a corresponding one of a plurality of multimedia via a web server coupled to the multimedia server.” That is, the Board panel recognized that the claimed subject matter distinguished over *Galipeau et al.* in the requirement that a paying passenger, and not an agent of the airline, is the individual doing the “selecting.”

The Examiner has now applied *Ekkel et al.* for the alleged teaching of an individual selecting and purchasing multimedia prior to boarding a flight, and for a teaching of downloading multimedia from a web server to the multimedia server.

Applicant does not necessarily dispute that *Ekkel et al.* teaches a selection and purchase of information content prior to boarding a flight, wherein that information content is downloaded from a repository to a storage device for later viewing. However, this information is downloaded from a **server external of the aircraft**. The downloaded information content is then stored on a storage device, such as a DVD, and later accessed on the aircraft via a device provided at an assigned location within the aircraft. This is in contrast to the instant claimed subject matter wherein the multimedia server is “provided **within an aircraft.**” Taking claim 1, as exemplary, the multimedia that is selected prior to the flight is purchased “**via a web server coupled to the multimedia server**” and that multimedia server is “**within the aircraft.**” The web server from which the multimedia is purchased in *Ekkel et al.* is **not** coupled to a multimedia server located within the aircraft.

Contrary to the Examiner's assertion, *Ekkel et al.* does not teach "the multimedia being selected, pre-flight, for purchase **via a web server coupled to the multimedia server,**" a feature both the Examiner and the Board panel recognized as missing from *Galipeau et al.*

Since an important claim feature is lacking in the disclosure of each of the applied references, no *prima facie* case of obviousness has been established with regard to claims 1-5, 7, 8, 11, 13-15, 27-31, 33, 34, 37, 39-41, and 54-56 within the meaning of 35 U.S.C. § 103.

Further, since none of the secondary references to *Humpleman*, *Schwab*, *Ahmad*, *Rosin et al.*, *McCarten et al.*, *Volpe et al.*, *Neel et al.*, or *Dedrick* provides for this deficiency of "the multimedia being selected, pre-flight, for purchase via a web server coupled to the multimedia server," there also has been no *prima facie* case of obviousness established with regard to dependent claims 6, 9, 10, 12, 16-26, 32, 35, 36, 38, and 42-52.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (310) 964-0560 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0383 and please credit any excess fees to such deposit account.

Respectfully Submitted,



By: Todd N. Snyder
Registration 41, 320
Attorney for Applicant

Date: March 5, 2009

The DIRECTV Group, Inc.
CA/LA1/A109
2230 E. Imperial Highway
El Segundo CA 90245
Telephone No. 310-964-0560